

PLANNING COMMITTEE Regulatory Committee Agenda

Date Wednesday 23 April 2025

Time 6.00 pm

Venue Lees Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Alex Bougatef or Constitutional Services at least 24 hours in advance of the meeting.

2. CONTACT OFFICER for this agenda is Constitutional Services email Constitutional.Services@oldham.gov.uk

3. PUBLIC QUESTIONS - Any Member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the contact officer by 12 noon on Friday, 18 April 2025.

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MEMBERSHIP OF THE PLANNING COMMITTEE

Councillors Akhtar, Z Ali, Charters, Cosgrove, Davis (Vice-Chair), Harkness, Hince (Chair), Hobin, Hurley, A Hussain, J. Hussain, Iqbal, Lancaster, Nasheen, Williamson and Woodvine

Item No

- 1 Apologies For Absence
- 2 Urgent Business

Urgent business, if any, introduced by the Chair
- 3 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.
- 4 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.
- 5 Minutes of Previous Meeting (Pages 3 - 6)

The Minutes of the meeting of the Planning Committee held on 26th March 2025 are attached for Members' approval.
- 6 FUL/353405/24 - Land On The South East Side Of Medlock Road, Failsworth, Manchester, M35 9WG (Pages 7 - 24)

Installation and operation of a 30 MW Battery Energy Storage System (BESS), including access and associated infrastructure.
- 7 FUL/353553/24 - Plot 2000, Lydia Becker Way, Broadway Green, Foxdenton, Oldham (Pages 25 - 38)

Erection of commercial units within Use Classes B2, B8 and E (g) (iii) with associated parking, landscaping and infrastructure.
- 8 Appeals update report (Pages 39 - 40)

PLANNING COMMITTEE
26/03/2025 at 6.00 pm



Present: Councillor Hince (Chair)
Councillors Charters, Cosgrove, Davis (Vice-Chair), Harkness,
Hobin, Hurley, A Hussain, J. Hussain, Iqbal, Lancaster, Nasheen
and Woodvine

Also in Attendance:

Alex Bougatef	Group Solicitor
Graham Dickman	Major Projects Development Lead
Kaidy McCann	Constitutional Services
Wendy Moorhouse	Principal Transport Officer
Peter Richards	Assitant Director Planning, Transport and Housing Delivery

1 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor
Williamson.

2 **URGENT BUSINESS**

There were no items of urgent business received.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest received.

4 **PUBLIC QUESTION TIME**

There were no public questions received.

5 **MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the meeting held on 26th
February 2025 be approved as a correct record.

6 **FUL/352724/24 - LAND SOUTH OF ASHTON ROAD,
WOODHOUSES, OLDHAM**

APPLICATION NUMBER: FUL/352724/24

APPLICANT: Kerren Phillips

PROPOSAL: Residential development of 41 dwellings with a
new vehicular access from Ashton Road, together with: internal
roads; car parking; agricultural access; ancillary open space;
landscaping; works to trees; attenuation basin; pumping station,
and associated engineering and infrastructure works.

LOCATION: Land south of Ashton Road, Woodhouses, Oldham

It was MOVED by Councillor Hobin and SECONDED by Councillor Murphy that the application be REFUSED (against Officer recommendations).

On being put to the vote 7 VOTES were cast IN FAVOUR OF REFUSAL and 7 VOTES were cast AGAINST with 0 ABSTENTIONS.

It was MOVED by Councillor Charters and SECONDED by Councillor Nasheen that the application be APPROVED

On being put to the vote 7 VOTES were cast IN FAVOUR OF APPROVAL and 7 VOTES were cast AGAINST with 0 ABSTENTIONS.

On the vote being tied, the Chair used the casting vote IN FAVOUR OF APPROVAL.

DECISION: That the application be GRANTED subject to the conditions outlined in the report.

NOTES:

That an Objector, the Applicant and a Ward Member attended the meeting and addressed the Committee on this application.

7

FUL/353689/24 - FOXDENTON FARM, FOXDENTON LANE, CHADDERTON, OLDHAM

Councillor Hobin leave the meeting during this item and took no part in the discussion or vote thereon.

APPLICATION NUMBER: FUL/353689/24

APPLICANT: FO Developments LLP, Stonebond Properties (Manchester) Ltd

PROPOSAL: Residential development of up to 101 dwellings with main vehicular access onto Horton Close, pedestrian, cycle and emergency access onto Horseshoe Lane, car parking, roads, landscaping, associated engineering works and ancillary development, following demolition of existing buildings and structures

LOCATION: Foxdenton Farm, Foxdenton Lane, Chadderton, Oldham M24 1QN

It was MOVED by Councillor Charters and SECONDED by Councillor Iqbal that the application be APPROVED.

On being put to the vote, it was UNANIMOUSLY cast IN FAVOUR OF APPROVAL

DECISION: That the application be GRANTED subject to the conditions as outlined in the report and the information contained in the late list..

NOTES:

1. That the Applicant attended the meeting and addressed the Committee on this application.
2. In reaching its decision, the Committee took into consideration the information as set out in the Late List attached at Item 9.

8 APPEALS UPDATE REPORT

RESOLVED that the Appeals Update be noted.

9 LATE LIST

RESOLVED that the information contained in the late list be noted.

The meeting started at 6.05 pm and ended at 8.04 pm

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APPLICATION REPORT – FUL/353405/24 Planning Committee 23 April 2025

Registration Date: 8th October, 2024
Ward: Failsworth East

Application Reference: FUL/353405/24
Type of Application: Full

Proposal: Installation and operation of a 30 MW Battery Energy Storage System (BESS), including access and associated infrastructure.

Location: Land on the south-east side of Medlock Road, Failsworth

Case Officer: Abiola Labisi
Applicant: Mr Connor McKinley
Agent: Miss Chloe Jonczyk (RCA Regeneration Ltd)

1. INTRODUCTION

- 1.1 The application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation since the proposals represent a departure from the Oldham Local Development Plan.

2. RECOMMENDATION

- 2.1 It is recommended that the application be approved subject to the conditions set out in this report, and that the Assistant Director Planning, Transport & Housing Delivery shall be authorised to issue the decision.

3. SITE DESCRIPTION

- 3.1 Measuring approximately 0.9ha, the application site is located on the south-east side of Medlock Road, Failsworth, and lies wholly within the Green Belt. The land is stated to be in equestrian use and is well screened by existing mature vegetation along its various boundaries.
- 3.2 To the west of the site is a wastewater treatment plant and a Cadent high pressure gas pipeline runs adjacent the north-western boundary of the site, while to the south of the site is the Medlock Valley Fishery.

4. THE PROPOSAL

- 4.1 The proposal relates to the installation and operation of a 30 MegaWatt (MW) Battery Energy Storage System (BESS), including access and associated infrastructure. The proposal comprises of the following elements:
- 8 no. battery containers;
 - 33Kv BESS switch room;

- 4 sets of BESS transformers and inverters;
 - site office/welfare building; site supply transformer; and,
 - DNO substation and 2 nos. spares containers.
- 4.2 The proposals also include a 2.4m high V-mesh fence around the BESS compound as well as a 3m high acoustic fence around the battery containers and BESS transformers. The applicant has confirmed that the facility would only store electricity generated via renewable sources and would physically connect to a station in Droylsden.
- 4.3 The site would be accessed via an unnamed track off Green Lane. This track is noted to provide access to some other neighbouring development such as the Medlock Valley Fishery.

5. PLANNING HISTORY

- 5.1 There is no relevant planning history on the site.

6. RELEVANT PLANNING POLICIES

- 6.1 The adopted Development Plan is the Joint Development Plan Document (Local Plan) which forms part of the Local Development Framework for Oldham. In addition, the Places for Everyone (PfE) Joint Plan which was adopted in March 2024 forms a material consideration in the assessment of planning proposals. The site is allocated in the Proposals Map associated with the Oldham Local Plan as Green Belt.
- 6.2 The following policies are considered relevant to the determination of this application:
- Policy 1 - Climate Change and Sustainable Development;
 - Policy 5 - Promoting Accessibility and Sustainable Transport;
 - Policy 9 - Local Environment;
 - Policy 14 - Supporting Oldham's Economy;
 - Policy JP-S1 - Sustainable Development;
 - Policy JP-S2 - Carbon and Energy;
 - Policy JP-J1 - Supporting Long-Term Economic Growth;
 - Policy JP-G8 - A Net Enhancement of Biodiversity and Geodiversity;
 - Policy JP-G9 - The Green Belt; and,
 - Policy JP-P1 - Sustainable Places.

7. CONSULTATIONS

CONSULTEE	FORMAL RESPONSE
Greater Manchester Ecology Unit	Formal response received. No objection subject to conditions in relation to biodiversity net gain and protection of wildlife.
Environmental Health	Formal response received. No objection subject to conditions relating to the management of construction noise and dust and post construction noise.

Highways	Formal response received. No objection subject to condition relating to the submission of a construction environmental management plan.
Environment Agency	Final comments awaited, and an update will be provided on the Late List.
Cadent	Formal response received. No objection subject to conditions relating to protection of adjacent Cadent infrastructure.
HSE	Formal response received. No objection.
Drainage	Final comments awaited, and an update will be included on the Late List.
Archaeology	Formal response received. No objection subject to a condition relating to the implementation of a programme of archaeological works.
Coal Authority	Formal response received. No objection.
Tree Officer	Formal response received. No objection subject to activities required in order to lay the new cables being undertaken in full compliance with National Joint Utilities Guidance NJUG.
Cadent	Formal comments received. No objection subject to conditions relating to the protection of adjacent Cadent assets.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a departure from the Development Plan by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, 23 representations have been received objecting to the proposal and raising the following (summarised) issues:
- Impact on Green Belt (Addressed within paras. 11.5 – 11.10)
 - Noise disturbance (Addressed in para. 15.2)
 - Impact on wildlife and ecology (Addressed within paras. 14.3 – 14.7)
 - Visual impact and effect on the character of the area (Addressed within para. 16.1 – 16.5)
 - Pollution of nearby waterbodies (Addressed within paras. 18.2 – 18.6)
 - Highway safety issues (Addressed within paras. 17.2 – 17.5)
 - Air pollution (Addressed in para. 15.2)
 - No consideration of alternative sites
 - Impact on mental health

- Impact of solar panels on health and the environment.

8.3 Issues relating to alternative sites, the impact on mental health, and the effects of solar panels have not been accorded any significant weight in this instance. In the case of alternative sites, there is no requirement for a sequential test to be applied in this instance, so the location of the proposed development must be considered on its own merits. It is not considered that the nature of the proposals would lead to any evidence of significant adverse impact on mental health. Regarding the suggested impacts caused by solar panels, the application does not include the installation of these.

9. ENVIRONMENTAL IMPACT ASSESSMENT

9.1 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations, 2017. The proposal falls within the category of Energy Industry. Para 3(a) of Schedule 2 of the Regulations provides that industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1), where the area of the development would exceed 0.5 hectares, would be a Schedule 2 development and would require an Environmental Statement.

9.2 However, in this case the proposal does not include the generation of electricity, neither is the site within a sensitive area. Notwithstanding, an assessment of the likelihood of the proposal requiring an Environmental Statement was undertaken, and having regard to the size and design of the development, accumulation with other existing or approved development, use of natural resources and biodiversity, waste generation, pollution and nuisances, risks of major accidents, risk to human health, existing and approved land use, nature of the impact, transboundary nature of the impact, intensity and complexity of the impact, the probability of the impact, the expected onset, duration, frequency and reversibility of the impact, the accumulation of the impact with the impact of other existing and/or approved development and significantly, and the possibility of effectively reducing the impact, it was considered that the environmental impact would not be significant.

9.3 The proposals include adequate mitigation of potential impacts on flora and fauna and consequently, an Environmental Statement is not required.

ASSESSMENT OF THE PROPOSAL

10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document.

10.2 A battery energy storage system (BESS) is a facility that stores energy that has already been generated and subsequently discharges this to the National Grid when supply is low. Such facilities help maintain a balance and consistency in energy supply. Although the proposed BESS would not exclusively store energy generated from renewable sources, it is nevertheless considered to more generally support the generation of energy via renewable sources by storing energy generated in this way.

10.3 With regard to climate change, paragraph 161 of the National Planning Policy Framework (NPPF) provides that the planning system should support the transition to

net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, ***and support renewable and low carbon energy and associated infrastructure.***

- 10.4 Similarly, paragraph 5.5 of the Places for Everyone Joint Plan provides that Greater Manchester's Vision is to be at the forefront of action on climate change and to make its fair contribution to international commitments by becoming a carbon neutral city region by 2038.
- 10.5 The Joint Plan also recognises the role of renewable energy in achieving its aim of becoming a carbon neutral city and, in this regard, paragraph 5.16 of the Plan provides that for Greater Manchester to meet its carbon neutrality commitments there has to be an increase in renewable energy generation. Community initiatives are likely to play an increasingly important role in the uptake of renewable energy and should be encouraged as a way of providing positive local benefits to wider society.
- 10.6 Accordingly, Policy JP-S2 (Carbon and Energy) of the Places for Everyone Joint Plan provides that the aim of delivering a carbon neutral Greater Manchester no later than 2038, with a dramatic reduction in greenhouse gas emissions, will be supported through a range of measures and specifically notes that one of the measures includes taking a positive approach to renewable and low carbon energy schemes.
- 10.7 The proposed BESS is an element that helps support renewable energy generation, although it does not generate the energy itself. It will enhance the use of renewable energy and will contribute towards Greater Manchester meeting its carbon neutrality commitments. It will also contribute positively towards the Government's transition to net zero by 2050.

11. IMPACT ON GREEN BELT

- 11.1 The application site is allocated as Green Belt by the Proposals Map associated with the Joint Development Plan Document. The National Planning Policy Framework sets out under paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 11.2 Accordingly, the NPPF provides within paragraph 153 that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. The NPPF goes further to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 11.3 As the proposal does not fall within any of the exceptions under which development is considered acceptable in principle within the Green Belt, then the proposal constitutes inappropriate development within the Green Belt, and therefore there is a need to demonstrate material considerations that amount to the required 'very special circumstance' for the scheme to be supported.

- 11.4 In reference to renewable energy projects in the Green Belt, it is provided within paragraph 160 of the NPPF that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 11.5 In this regard, the applicant has submitted a statement explaining that BESS plays a fundamental role in the UK's transition to a renewable energy future by addressing the inherent variability of wind and solar power. Renewable energy sources are weather-dependent, resulting in periods of excess energy generation during high winds or sunny conditions, and low generation during calm or overcast periods. Without storage systems, surplus electricity during periods of low demand is often wasted, while fossil fuel power plants are required to fill gaps during peak demand. BESS bridges this gap by storing excess renewable energy when it is generated and discharging it to the grid when required, ensuring a stable and reliable energy supply.
- 11.6 The applicant states further that BESS enhances the efficiency of decentralised energy systems, allowing renewable energy to be stored and utilised closer to where it is generated, thereby reducing transmission losses and alleviating strain on the national grid. This capability is crucial as the UK continues to electrify its economy, including the transport and heating sectors. By enabling renewable energy to meet growing demand, BESS directly contributes to reducing the UK's reliance on fossil fuels and aligns with the country's legally binding commitments to achieve net zero by 2050.
- 11.7 The applicant concludes that the proposed BESS would contribute significantly towards ensuring steady power supply, without which human and economic activities would be significantly impacted. In addition, and more significantly, the facility would contribute towards reduction in environmental degradation and the achievement of net zero by 2050.
- 11.8 The proposal includes the introduction of new structures within the Green Belt. As there are currently no structures on the site, the proposed structures would lead to some impact on the openness of the Green Belt, both in terms of spatial and visual aspects. As such, the proposal would be harmful, insofar as openness of the Green Belt is concerned, and would conflict with the Green Belt policy in this regard. However, having regard to the design and scale, as well as the existing and proposed boundary treatment, it is considered that the impact of the proposal on the openness of the Green Belt would not be so significant as to refuse permission. Furthermore, whilst the site is relatively large it is noted that the yard within which the equipment would be sited would be less than half the size of the overall site, leaving substantial amount of open land around the development. It is considered that this would further minimise the impact on openness.
- 11.9 Whilst the proposal would detract from the openness of the Green Belt, it is considered that the role of the proposal in the achievement of net zero and Greater Manchester's commitment to becoming a carbon neutral region by 2038 would outweigh the impact on openness and would constitute the required 'very special circumstances' needed to justify the development.
- 11.10 In addition to the environmental benefits relating to the contribution of the proposal to the achievement of net zero and a carbon neutral Greater Manchester, there are also socio-economic benefits that are significant and outweigh the limited impact on the openness of the Green Belt. The proposal would contribute towards ensuring steady power supply as energy stored within the facility can be released to the grid during

periods of low production and high demand, thereby ensuring that economic and other activities that rely on power are not unduly disrupted. This adds to the 'very special circumstances' case for allowing the development in the Green Belt.

- 11.11 Having regard to these considerations the principle of development is considered acceptable.

12. RELEVANT APPEAL DECISIONS IN SUPPORT OF BESS IN THE GREEN BELT

- 12.1 There are a number of recent appeal decisions in support of BESS proposals within the Green Belt, some of which are listed below. These decisions constitute material considerations in the determination of this application. Common to all the decisions is the conclusion that BESS is an essential part of the system services that will enable the National Grid to handle the change in power flows arising from the growth in power from renewable sources and the decommissioning of coal and gas power stations. Also, the decisions all give significant weight to the contribution of BESS schemes towards achieving net zero.
- 12.2 **Appeal Ref. APP.C3430.W.22.3292837** – Installation of a 50MW BESS in the Green Belt. Inspector concluded that the environmental benefits of the proposal, and the fact that the impacts can be made acceptable, are sufficient to outweigh the harm and as such, very special circumstance exists.
- 12.3 **Appeal Ref. APP.C4615.W.24.3345744** – Installation of BESS in the Green Belt. The Inspector concluded that the weight attached to the contribution to mitigating climate change and to energy security, the significant weight attached to the absence of alternative sites and to the potential for permanent BNG and the moderate weight that the economic benefits generated by the proposal clearly outweighs the temporary harm, to the character and appearance of the area. Accordingly, overall, very special circumstances exist which justify the development.
- 12.4 **Appeal ref. APP.Q4245.W.24.3354822** – Installation of a 35MW BESS in the Green Belt. The appeal site is located in Greater Manchester and the Inspector concluded that by virtue of the location of the site, it would constitute Grey Belt land and thus the proposal would not constitute inappropriate development. Furthermore, it would not conflict with the Green Belt's purpose to safeguard the countryside from encroachment or conflict with policy JP-G9 of the Places for Everyone Joint Development Plan and the Framework, which set out to prevent unacceptable harm to the Green Belt. The Courts have found that where a development is found not to be inappropriate development it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land within it.
- 12.5 **Appeal ref. APP.Q4625.W.24.3348223** – Installation of BESS in the Green Belt. The Inspector concluded that there is a clear national need for BESS facilities and the proposal would make a small but nevertheless important contribution to ensuring local and national energy security and supply, serving increasing demand and moving towards a low carbon future. Furthermore, a comprehensive Alternative Sites Assessment is before me that indicates that there are no available, suitable or viable previously developed sites, or sites outside the Green Belt which can be developed in preference to the appeal site. Consequently, I find that collectively these considerations are significant and attract very substantial weight in favour of the proposal.
- 12.6 **Appeal ref. APP.V4630.W.24.3347424** – Installation of a 49.3MW BESS in the Green Belt. The Inspector concluded that the site is Grey belt land and as such, the proposal

would not be inappropriate development in the Green belt and that the Courts have found that where a development is found not to be inappropriate development, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. The Inspector also noted that the imperative of mitigating climate change, achieving net zero, and the ability of this project to make an early contribution to the clean power pathway are significant public benefits and attracts great weight.

- 12.7 **Appeal ref. APP.W1525.W.22.3306710** – Installation of BESS in the Green Belt. Noting the environmental benefits of the scheme and taking account of the relative absence of other suitable sites to achieve these benefits, the Inspector accorded very substantial weight to the benefits of the proposal.

13. ASSESSMENT OF ALTERNATIVE SITES

- 13.1 Whilst consideration of alternative sites is not a policy requirement in this instance, because of the sensitivity of the site by virtue of it being within the Green Belt, the applicant was requested to provide evidence that they had considered some alternative sites prior to the choice of the application site.
- 13.2 In response, the applicant provided evidence indicating that they had considered ten alternative sites within a radius of 2.3km of the connection point in Droylsden. The search area could not be extended for technical reasons as a BESS is expected to be as close to the connection point as possible because this has the distinct benefit of greatly improving the carbon efficiency by avoiding transmission losses which may otherwise occur with transporting electricity over long distances associated with the current centralised network.
- 13.3 The assessment indicates that the other sites were either too small, too close to sensitive receptors such as dwellings or too far from the connection point. There was also the issue of landowners not agreeing to the use of their land for the siting of a BESS (i.e. the sites were not being made available for this development).
- 13.4 Taking all relevant factors into consideration, the alternative site assessment concluded that, of all the sites available, the subject site appears to be the most appropriate.

14. BIODIVERSITY NET GAIN AND IMPACT ON ECOLOGY

- 14.1 Paragraph 187 of the NPPF requires that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan), amongst others.
- 14.2 Accordingly, Policy JP-G8 (A Net Enhancement of Biodiversity and Geodiversity) of the Places for Everyone Joint Plan provides that development will be expected to:
- a. Follow the mitigation hierarchy of:
 - i. Avoiding significant harm to biodiversity, particularly where it is irreplaceable, through consideration of alternative sites with less harmful impacts, then

- ii. Adequately mitigating any harm to biodiversity, then
 - iii. Adequately compensating for any remaining harm to biodiversity
 - b. Avoid fragmenting or severing connectivity between habitats;
 - c. Achieve a measurable net gain in biodiversity of no less than 10%
 - d. Make appropriate provision for long-term management of habitats and geological features connected to the development.
- 14.3 By virtue of its scale and the current condition of the site, the requirements of biodiversity net gain apply to the proposal. Accordingly, a Biodiversity Net Gain statement and Metric prepared by FPCR Environment and Design Ltd have been submitted with the application.
- 14.4 The Biodiversity Net Gain statement provides that the habitat retention, enhancement and creation proposals highlighted within this report have all been inputted into the Statutory Biodiversity Metric and the assessment has demonstrated that the proposals will lead to a net gain of 0.41 habitat units resulting in an overall gain of **+10.84%** and a gain of 0.01 watercourse units resulting in a gain of **10.46%**.
- 14.5 The statement concludes that:
- (a) No high or very high distinctiveness habitats are to be lost on Site so like-for-like or bespoke compensation would not be required for any habitats that are to be lost under the current proposals.
 - (b) The loss of the modified grassland onsite will be compensated for by the enhancement to other neutral grassland, and (c) no watercourse units are to be lost so no compensation is required to satisfy trading rules.
- 14.6 The Biodiversity Net Gain statement and Metric indicate that the proposal would not lead to the loss of any habitat of a high distinctiveness and the proposed mitigation measures would lead to a net gain in biodiversity. As such, it is considered that the proposal would be in accordance with local and national policies aimed at protecting and enhancing biodiversity and ecology.
- 14.7 Significantly, the proposal has been reviewed by the Greater Manchester Ecology Unit and the Council's Tree Officer and both consultees have not raised objections to the proposal, subject to conditions.

15. RESIDENTIAL AMENITY

- 15.1 Having regard to the requirements of Policy 9 of the Oldham Local Plan, the impact of the development on surrounding residents needs to be considered. Having regard to the separation distance between the proposed BESS and neighbouring dwellings, as well as its nature and the proposed mitigating measures, it is considered that the proposal would not detract significantly from the residential amenity of the occupiers of neighbouring dwellings.
- 15.2 The low-lying nature of the proposed structures and the distance from dwellings would ensure that the proposal does not lead to any significant overbearing or overshadowing

effect. Furthermore, it is not considered that the proposal would lead to unacceptable noise pollution during construction and post construction phases as a construction management plan, detailing how potential construction noise and air pollution would be mitigated, would be required prior to commencement of the development. Also, the Council's Environmental Health Officers have recommended maximum noise levels from the facility once the facility is operational. This would ensure that the amenity of occupiers of neighbouring dwellings is protected.

16. INTEGRATION WITH LOCAL CHARACTER/LANDSCAPE CHARACTER

- 16.1 NPPF paragraph 135 as well as Oldham Local Plan Policy 9 and Places for Everyone Joint Plan Policy JP-P1 (Sustainable Places) require that developments are visually attractive as a result of good architecture, layout and are sympathetic to local character and history, including the surrounding built environment.
- 16.2 The proposal relates to the installation of a BESS and associated development within the Green Belt and is industrial in nature. However, it is noted that notwithstanding the site being in the Green Belt, there are examples of development of similar nature within the vicinity of the site. A wastewater treatment works is located to the west of the site and the structures within this adjacent site are considered similar in character to the structures proposed. As such, it is considered that the proposal would not be completely out of keeping with the existing pattern of development and the character of the area.
- 16.3 Furthermore, the site, which is stated to be in equestrian use, is not very prominent and is surrounded by trees and hedges. The existing and proposed boundary treatment, as well as the overall height of the structures would minimise any potential visual impact.
- 16.4 A landscape and visual appraisal, conducted by LVIA Ltd, was submitted with the application. This appraisal notes that the site falls within no areas of national designations related to landscape but does fall within Green Belt. Green Belt is not normally considered a landscape policy but does have a visual aspect.
- 16.5 The report notes further that seven viewpoints were considered and of these none were considered to be subject to material visual impacts. The report concludes that with the implementation of a successful mitigation strategy, the overall impact on the landscape is considered to have a minor overall effect on the surrounding character baseline and a minor effect on the visual baseline. It should be considered that this type of development is not out of character within the receiving landscape.

17. HIGHWAY SAFETY

- 17.1 The application documents include a Transport Statement prepared by TPS Transport Consultants Ltd, to assess the transportation, traffic and highways implications of the proposed development. Access to the site will be taken from an unnamed access track, off Green Lane/Medlock Road. The access track is used to access surrounding land and for visitors to the Medlock Valley Fishery, to the south of the site.
- 17.2 Paragraph 116 of the NPPF provides that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

- 17.3 The Transport Statement submitted with the application concludes that the development proposals are not expected to have a detrimental impact on the highway network, particularly once the BESS site is built out, it will generate minimal vehicle trips.
- 17.4 By virtue of the nature of the proposal, majority of any potential highway issue would be limited to the construction phase of the development as there would only be occasional trips to the site after the development, mainly for maintenance purposes. It is stated that the access off Green Lane/Medlock Road will be improved as part of the proposals, to facilitate access by HGVs during the construction phase of the development. It is considered that the proposed highway improvement works would minimise the potential for risks to safety of users of the highway.
- 17.5 The Council's Highway Engineer has reviewed the proposal and raised no objections subject to the imposition of a condition requiring the submission of a CEMP detailing how construction traffic would be managed during the construction phase of the proposal.

18. DRAINAGE

- 18.1 The flood zone mapping shows the site to be located within Flood Zone 1, an area with a low risk of flooding from river and sea. There are also no known local flooding issues on the site. A Flood Risk Assessment as well as a Drainage Proposal has been submitted with the application.
- 18.2 The proposal for the drainage system includes private storm combined with manholes, gully, permeable surface gravel, filter drain, attenuation tank prior to discharging into river Lord Brook via a headwall. The outflow from the attenuation tank will be controlled by a vortex flow control before discharging into a river, Lord brook.
- 18.3 As the outflow from the attenuation tank would discharge into the nearby waterbody (Lord Brook), an appropriate licence or exemption will need to be obtained from Environment Agency. The applicant has advised that they have applied for an exemption and awaiting a response from Environment Agency.
- 18.4 The proposed drainage plan appears to be acceptable in principle given that runoff would be stored in attenuation tank prior to discharge into the river. This would minimise the risk of flooding on and off site.
- 18.5 The proposal has been forwarded to Environment Agency and the Council's Drainage Engineer for comments. Additional information was requested by the consultees, which has been provided by the applicant. However, final comments have not been received from the consultees.
- 18.6 As this is the only issue yet to be resolved in so far as the assessment of the application is concerned, it is considered pragmatic in this instance to deal with the matter by way of relevant planning conditions. As a result, it is proposed to attach a condition requiring full details of a drainage proposal to be submitted to the Planning Authority for written approval, prior to the commencement of the development.

19. CONCLUSION

- 19.1 Notwithstanding its location within the Green Belt, the proposed development is considered acceptable in principle given that its social, economic and environmental benefits outweigh any harm to the Green Belt, and any other harm, and would not detract significantly from the character of the area.
- 19.2 As such, the proposal would be in accordance with relevant provisions of Policies JP-G8 (A Net Enhancement of Biodiversity and Geodiversity), JP-G9 (The Green Belt), JP-P1 (Sustainable Places) and JP-S1 (Sustainable Development) of the Places for Everyone Joint Plan.

20. RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. Prior to the development hereby approved being brought into first use, the acoustic fencing shall have been installed in accordance with the details shown on the approved Site Layout Plan (Drawing No. MDL-BESS-001.5, Rev. 7). The fencing shall be retained as such thereafter. REASON – In the interest of amenity, in accordance with Policy 9 of the Oldham Local Plan.
4. Prior to the commencement of the development hereby approved, the applicant/developer shall submit a Construction Environmental Management Plan (CEMP) which details:
 - (i) how any demolition and construction on site will be managed to control dust, noise and vibration so as not to cause health and nuisance issues to the existing occupiers of residential and commercial sites close to the development. The plan shall reference the Institute of Air Quality Management's latest guidance on the assessment of dust from construction and demolition; and,
 - (ii) the methods to be employed to control and monitor the use of the nearby highways for construction traffic, material deliveries and storage, car parking for employees and wheel wash facilities.

The CEMP must be agreed in writing by the Local Planning Authority before development commences and unless otherwise agreed in writing by the Local Planning Authority any mitigation in the agreed CEMP shall be adhered to during any demolition or construction works. REASON - to prevent development that may result in unacceptable impacts on human health and highway safety, in accordance with Policy JP-C8 of the Places for Everyone Joint Plan and Policy 9 of the Oldham Local Plan.

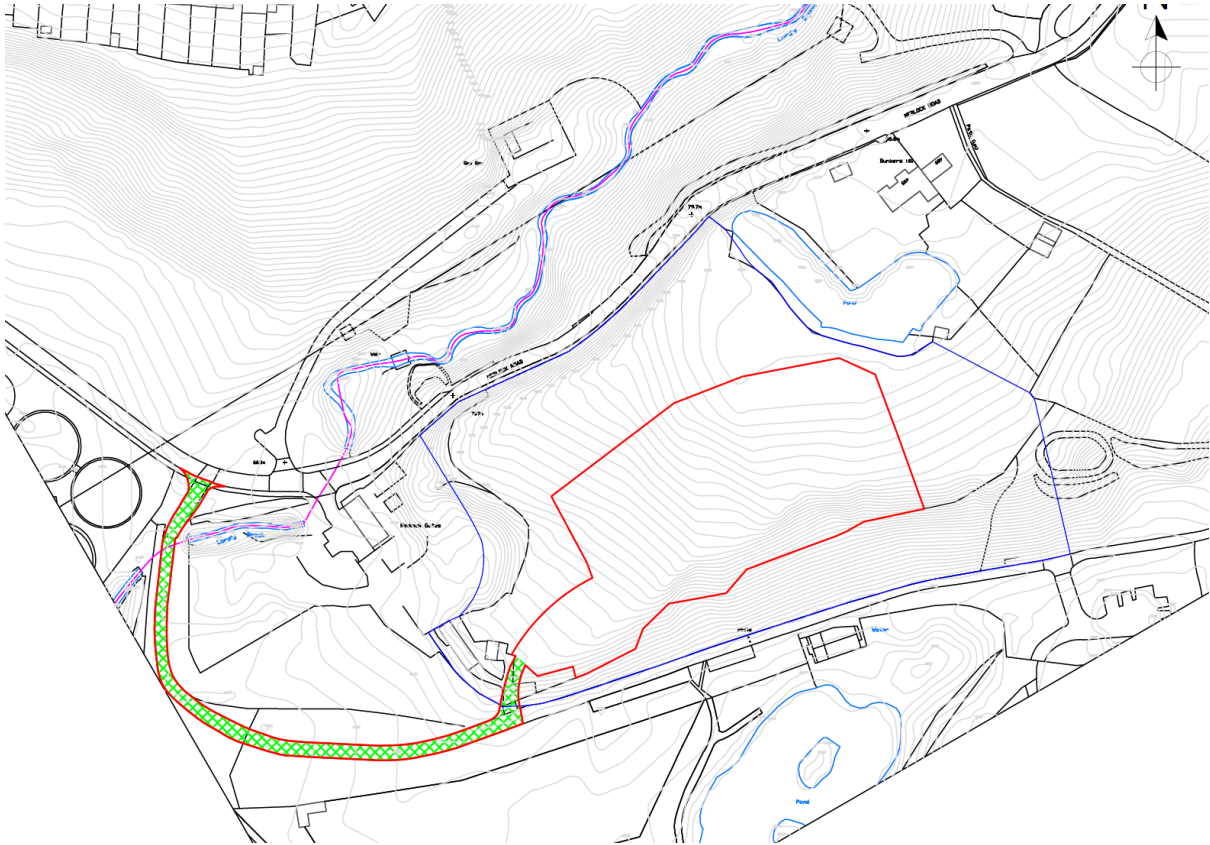
5. Prior to the development hereby approved being brought into first use, the applicant/developer shall provide evidence to the Local Planning Authority for written approval, that the 5 minute LAeq from the site does not exceed 38 dB when measured in free field conditions 1m from the boundary of the nearest residential properties, i.e. Medlock Gates, Medlock Road, M35 9WP to the West and 495 Medlock Road, M35 9WR to the Northeast. REASON – In the interest of the amenity of the occupiers of neighbouring properties, in accordance with Policy 9 of the Oldham Local Plan.
6. The development hereby approved shall not commence until a scheme and timetable for the achievement of the on-site Biodiversity Net Gain has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written 30-year Habitat Management and Monitoring Plan (HMMP) for biodiversity within the site. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9 and 21 of the Oldham Local Plan, paragraph 174 of the NPPF, and Policy JP-G8 of the Places for Everyone Joint Development Plan.
7. During the construction phase of the development hereby approved, the existing woodland within the site, and any trees shown to be retained on the landscaping proposal (Drawing No. YLEM1485-11) shall be protected with a suitable Root Protection Proposal which shall first be submitted to the Local Planning Authority for written approval. The development shall be implemented in accordance with the approved details. REASON – In the interest of the amenity of the area and in accordance with Policy JP-G7 (Trees and Woodland) of the Places for Everyone Joint Plan.
8. Prior to the commencement of the development hereby approved, a detailed plan for the control, removal and disposal of existing Himalayan balsam on site shall be submitted to the Local Planning Authority for written approval. The development shall thereafter be implemented in accordance with the approved details. REASON – To prevent the spread of invasive species and to protect biodiversity, in accordance with relevant provisions of Section 15 of the National Planning Policy Framework.
9. No external lighting/floodlighting (including any that may be required during the construction phase of the development) shall be installed within the site without prior written approval of the Local Planning Authority having been obtained relating to the design and specifications of the lighting. All lighting should be designed in accordance with Bat Conservation Trust / Institution of Lighting Professionals Guidance Note 08/18 Bats and artificial lighting in the UK. The development shall then be implemented in accordance with the approved details. REASON – In the interest of amenity and to enable the Planning Authority consider the effect of such lighting on bats and biodiversity.
10. Prior to the commencement of the development hereby approved, details of a proposal to ensure that the adjacent Cadent assets are not adversely impacted as a result of the development, shall be submitted to the Local Planning Authority for written approval. The proposal shall include details on how the 12m easement along the route of the Cadent pipeline adjacent the site would not be impacted; details of any works within 35m of the pipeline and how the pipeline's cathodic protection will be maintained. The development shall be implemented in accordance with the approved details. REASON – In the interest of the safety of the members of the public.

11. The development shall be implemented in accordance with the soft landscaping proposal set out on Drawing No. YLEM1485-11 and all landscaping works shall be undertaken prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policies 9 and 21 of the Oldham Local Plan, and Policy JP-G7 (Trees and Woodland) of the Places for Everyone Joint Plan.
12. No removal of or works to any hedgerows, trees, shrubs or brambles shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority prior to the works to the hedgerows or trees. REASON - To protect biodiversity, in accordance with relevant provisions of Section 15 of the National Planning Policy Framework.
13. Prior to the commencement of development and notwithstanding any details previously submitted, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to the proposed development being brought into use, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

SITE LOCATION PLAN (NOT TO SCALE):



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PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy)
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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APPLICATION REPORT – FUL/353553/24 Planning Committee 23 April 2025

Registration Date: 22nd October 2024
Ward: Chadderton South

Application Reference: FUL/353553/24
Type of Application: Full

Proposal: Erection of commercial units within Use Classes B2, B8 and E(g)(iii) with associated parking, landscaping and infrastructure.

Location: Plot 2000, Lydia Becker Way, Broadway Green, Oldham

Case Officer: Graham Dickman
Applicant: H3CG Oldham Limited
Agent: Niall Mellan

1. INTRODUCTION

- 1.1 This application is presented to Planning Committee in accordance with the Scheme of Delegation as it relates to a Major application.

2. RECOMMENDATION

- 2.1 It is recommended that the application is approved subject to the conditions set out at the end of this report.

3. SITE DESCRIPTION

- 3.1 The site forms part of the Foxdenton Strategic Site in Chadderton. The approved development comprises various Phases, with a mix of residential and commercial designations for those areas. The majority of the overall site is now either developed or subject to detailed approvals for development.
- 3.2 This application relates to the remaining undeveloped part of Phase C1 (otherwise known as Plot 2000) located on the south side of Lydia Becker Way.
- 3.3 To the west of the site is a recently constructed Aldi retail store, to the south is presently open land subject to a recent planning approval for residential development (FUL/353689/24), and to the east is a linear park. Across Lydia Becker Way, the site faces a large commercial unit and further residential properties.
- 3.4 The site presently consists of grassland on undulating terrain with a line of trees to the site frontage.

4. THE PROPOSAL

- 4.1 The proposal involves the comprehensive development of the site to create a mix of employment units to be flexibly used for industrial, warehousing, or office purposes.

The units vary in size between 467sqm and 1642sqm.

- 4.2 Vehicular access will be obtained from Lydia Becker Way in the north-east corner of the site. The access to the individual units will be via a single estate road onto which the units will face. Individual parking and servicing areas will be available to the front or side of the units.
- 4.3 The units are largely configured in two parallel rows. The first row of units backs onto Lydia Becker Way behind a landscaped strip and comprises buildings with a low-pitched roof extending up to a maximum height of 13 metres. A pair of units will be located at the eastern end of the site extending to a maximum height of 14 metres.
- 4.4 The final row will be located along the southern boundary where the site will adjoin a new residential development. The buildings here will be lower in height than the other two blocks, with a monopitch roof dropping from a height of 10.6 metres at the front to 6.5 metres at the rear.

Environmental Impact Assessment

- 4.5 The application has been assessed in the context of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 4.6 The proposal would represent an Industrial Estate Development Project within paragraph 10(a) of Schedule 2 of the Regulations. However, it would not exceed the applicable threshold of 5 hectares, nor is the site located within any impact distance of a 'sensitive area' as defined in the Regulations.
- 4.7 Consequently, an Environmental Statement is not required.

5. PLANNING HISTORY

NMA/352507/24 - Non-material amendment to condition b)4 (Parameters Plan) of planning approval PA/337091/15. Approved 8 April 2024

RES/345691/20 - Details of reserved matters for appearance, landscaping and layout for development of Linear Park at Zone L1 of the Broadway Green Masterplan. Pending determination. Approved 8 July 2021

PA/337091/15 – Variation of conditions 29, 30, 31 (Part A), and 41, 42 and 43 (Part B) of permission PA/334355/13 Hybrid planning application comprising A) Full planning permission for: 1) A new spine road connecting the A663 'Broadway' and B6189 'Foxdenton Lane' with associated ground re-modelling 2) The means of vehicular access into the site 3) The demolition of all existing buildings within the site B) Outline planning permission for an employment-led mixed use development with access to be considered and all other matters reserved for: 1) Office (Use B1a use); Light Industrial (B1c use); General Industrial (B2 use) and Storage and Distribution (B8 use) floorspace 2) Residential (C3 use) units 3) Area of public open space in the form of a new linear park, to allow phased development and occupation of floorspace and dwellings specified within the 'trip generation threshold' (as defined within Curtins note ref. TPMA1328/STRAT001) prior to the completion of the highway link road ('Interim Trip Generation Threshold') and offsite junction works at A663/Foxdenton Lane/Eaves Lane and M60 Junction 21 ('Trip Generation Threshold'). Approved 28 September 2015

6. RELEVANT PLANNING POLICIES

- 6.1 The Places for Everyone (PfE) Plan and related documentation took effect and became part of the statutory development plan on 21 March 2024.
- 6.2 The PfE Plan must now be considered in the determination of planning applications, alongside Oldham's Joint Core Strategy and Development Management Development Plan Document (Local Plan), adopted November 2011, in accordance with the National Planning Policy Framework (NPPF).
- 6.3 The site is allocated within a Business Employment Area on the plan associated with the Local Plan. This application was carried over as a saved policy of the Oldham Unitary Development Plan.
- 6.4 As such, the following policies are considered relevant to the determination of this application:

Places for Everyone

Policy JP-S1: Sustainable Development
Policy JP-S2: Carbon and Energy
Policy JP-S4: Flood Risk and the Water Environment
Policy JP-S5: Clean Air
Policy JP-S6: Resource Efficiency

Policy JP-J1: Supporting Long-Term Economic Growth
Policy JP-J2: Employment Sites and Premises
Policy JP-J4: Industry and Warehousing Development

Policy JP-G7: Trees and Woodland

Policy JP-P1 Sustainable Places

Policy JP-C3: Public Transport
Policy JP-C4: The Strategic Road Network
Policy JP-C5: Streets for All
Policy JP-C6: Walking and Cycling
Policy JP-C8: Transport Requirements of New Development

Core Strategy

Policy 9: Local Environment
Policy 13: Employment Areas
Policy 14: Supporting Oldham's Economy

7. CONSULTATIONS

Highways Officer	No objections subject to conditions
Environmental Health	No objections in principle. Final details in respect of ground contamination and noise mitigation will be required by means of planning conditions.
United Utilities	No objections subject to conditions.
G M Ecology Unit	Recommend conditions in relation to Biodiversity Net Gain, avoidance of harm to wildlife, and treatment of invasive plant species.
Trees Officer	No objection
GM Archaeological Advisory Service	Awaiting comments
Coal Authority	No objections as the site falls outside a Coal Mining High Risk area.
TfGM	Recommend measures to promote sustainable transport and a review of Traffic Regulation Orders if necessary to restrict parking on Lydia Becker Way.
G M Police	Recommend amendments to security arrangements at the site.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised as a major development by neighbour notification letters, display of a site notice, and publication of a press notice.
- 8.2 In response, no representations have been received.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The principle of the use of the site for the proposed employment purposes has been established by the 2015 hybrid approval.
- 9.2 All pre-commencement requirements in relation to improvements to highway infrastructure in the vicinity which were required as part of the accompanying Section 106 agreement have now been discharged and there are no other outstanding requirements in relation to this site.

10. DESIGN AND LAYOUT

- 10.1 At present, land levels at the site vary with a gradual fall east to west along Lydia Becker Way. Within the site itself, levels vary with significant portions of the site elevated above the road level.
- 10.2 In order to create a level platform which would avoid the stepping of the rows of commercial units, the western end of the site will be elevated above the level of the adjacent Aldi store car park. A timber clad retaining structure to a height of approximately 3 metres would therefore mark the boundary between the existing and proposed developments.
- 10.3 The applicant has explained that the topography of the site will require substantial remodelling to create a development platform. Due to the existing topography, this will involve reducing levels to the eastern portion of the site and upfilling to the west portion. A level plateau is required to achieve a consistent structural surface level along the terraced units to Blocks B and C.
- 10.4 This facilitates the parking provision and level access required to each individual unit without the need for stepped levels mid-terrace. By achieving a balanced cut and fill all suitable material can also be re-used on site, avoiding the requirement to export large volumes of material off site.
- 10.5 Whilst this is likely to represent a prominent feature, the visual context will be largely one of large commercial buildings. In this regard, the practical benefits of achieving a functional effective development would outweigh any potential visual harm.
- 10.6 The proposed units will be faced in cladding panels in a mix of greys and green colouring. This would reflect the character of the commercial buildings which have previously been erected in the vicinity of the site. In this context, the finishes will be appropriate. Additional landscaping will be provided to the site boundaries.
- 10.7 GM Police has provided comments on the layout requesting that consideration be given to the gates at the entrance to the site being automatically operated at all times in order to prevent unauthorised access during operational hours as well as at night/when closed.
- 10.8 In response the applicant has concluded that this is not a necessary request. It is noted that such gates are not in place on any of their other sites across the country, nor was it requested on their approved site further west along Lydia Becker Way where there have been no known issues with security. The manual gates will however be closed outside of normal working hours and the site will be secure.
- 10.9 In this context, it is agreed that the proposed arrangement would be satisfactory.

11. AMENITY ISSUES

- 11.1 In addition to the nearby commercial developments, the site is located in close relationship to existing housing across Lydia Becker Way, a small group of which

directly face the site, albeit set back behind a shared accessway. There is also a new housing development which is to be constructed alongside the southern site boundary.

- 11.2 A Noise Impact Assessment has been submitted to address these issues. The layout of the development has been designed to ensure the primary areas of activity are located within the estate itself and the Environmental Health Officer is satisfied with the proposals in principle.
- 11.3 Discussions between the applicant and the Environmental Health Officer are presently being concluded and a suitable planning condition will be required to ensure appropriate mitigation measures are put in place before the development is occupied.
- 11.4 Further details of the measures to be implemented under the terms of a recommended planning condition will be provided within the Late List report to be presented to Planning Committee prior to the meeting.

12. HIGHWAYS ISSUES

- 12.1 NPPF paragraph 116 states that *“development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 12.2 In respect of the wider Foxdenton Strategic Site development, of which this site is a part, a comprehensive Transport Assessment was submitted with the original outline application and all mitigation measures relating to that have been completed.
- 12.3 A Transport Statement and Framework Travel Plan have been submitted in support of the present application.
- 12.4 The Highway Officer is satisfied that there will be no adverse impact on the highway network as a result of the proposed development and does not therefore object to planning permission being granted for highway safety reasons.
- 12.5 Conditions in respect of details of the construction and implementation of the access and parking arrangements, the cycle storage, a travel plan, and a construction management plan will be required. In addition, arrangements to remove a potential secondary access and reinstate the footway along Lydia Becker Way which will also be necessary.
- 12.6 Should future issues arise with vehicle parking on Lydia Becker Way, consideration will need to be given to amending waiting restrictions.

13. BIODIVERSITY AND TREES

- 13.1 Biodiversity Net Gain is required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021).
- 13.2 This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. As a clear preference, this increase should be achieved through on-site biodiversity gains.

- 13.3 Based on the application site and indicative proposals, the development would be subject to the statutory BNG requirement.
- 13.4 The applicant is seeking to achieve the required target by purchasing off-site biodiversity units at local habitat banks. These details will need to be confirmed as part of the Biodiversity Gain Statement which the applicant will need to discharge following the grant of planning permission before the development can commence.
- 13.5 GM Ecology Unit has also recommended that conditions are imposed to ensure adequate avoidance measures are in place to protect any wildlife on the site once development commences, and for the treatment of invasive species.
- 13.6 The application is accompanied by a detailed landscaping scheme, including specifications for replacement and new tree and shrub planting. The Council's Trees Officer has no objections to the proposals subject to full implementation of the proposed landscaping scheme.
- 13.7 A planning condition will be imposed accordingly.

14. DRAINAGE AND GROUND CONDITIONS

- 14.1 Phase I and II Geo-environmental Site Assessment reports and a Remediation Strategy and Verification Plan have been submitted. Due to asbestos being identified within made ground soils at the site, an Asbestos in Soils Management Plan has also been submitted.
- 14.2 The Environmental Health Officer has accepted the documents with no objections in principle. Some additional detailed information has been requested and therefore a condition is recommended for inclusion in the decision.
- 14.3 The site falls outside a Coal Mining High Risk area. However, the Coal Authority's standing advice will be drawn to the applicant's attention.
- 14.4 The application site lies entirely within a Flood Zone 1 with a low probability of flooding.
- 14.5 The submitted Flood Risk Assessment and Drainage Strategy has been considered by United Utilities which has raised no objections subject to conditions in relation to implementation of the scheme and to protect of existing drainage infrastructure on the site.

15. ENERGY

- 15.1 An Energy and Sustainability Statement has been submitted which sets out recommended sustainability features for the development will ensure that the proposals comply with PfE Policies JP-S2 and JP-S5.
- 15.2 A condition will be imposed to require confirmation that the development has been implemented in accordance with those recommendations.

16. CONCLUSION

- 16.1 The proposals will represent the development of an allocated employment site bringing forward additional inward investment and jobs. The details are considered acceptable subject to the conditions recommended below.

17. RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. No part of the development shall be brought into use until the access road, service area and parking spaces for that part of the development have been provided in accordance with the approved plan and with the details of construction, levels and drainage, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the service areas and parking spaces. Thereafter the service areas and parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles. REASON - To ensure adequate off-street parking and servicing facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan and Policies 5 and 9 of the Oldham Local Plan.
4. No part of the development shall be brought into use until the redundant vehicular access at the north-west site frontage has been reinstated with footway and landscaping in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the reinstated area. REASON - In the interests of highway safety having regard to Policy JP-C8 of the Places for Everyone Joint Development Plan and Policies 5 and 9 of the Oldham Local Plan.
5. The use of the buildings hereby approved shall not commence until the cycle storage facility as indicated on plan ref: 22152-UMC-SIXX-ZZ-DR-A-0701-P03 for the provision of secure cycle parking for each unit has been implemented in accordance with submitted details. The approved facility shall remain available for users of the development thereafter. REASON - In order to promote sustainable means of travel having regard to Policies 5 and 9 of the Oldham Local Plan.
6. Prior to the commencement of any development hereby approved, a scheme in the form of a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - hours of construction operations and deliveries;
 - details for the methods to be employed to control and monitor noise, dust and

- vibration impact;
- details of routes and delivery regimes for construction vehicles and deliveries;
- the storage of materials on site and parking management for employees' vehicles taking into account the phasing of the works; and,
- details of adequate wheel cleaning equipment to be installed on the site which shall be used by all vehicles before leaving the site which have travelled over a non-tarmac surface so that they do not foul the highway with mud or other material.

The approved CEMP shall be implemented to the full written satisfaction of the Local Planning Authority before the construction works are commenced and shall be maintained for the duration of the construction works. REASON - Prior approval of such details is necessary since they are fundamental to the initial site preparation works and to safeguard the amenities of the adjoining premises and the area having regard to Policy 9 of the Oldham Local Plan.

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Strategy and FRA 24-012_Plot 2000, Oldham dated 12.8.24 which was prepared by I&L Consulting. No surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development. REASON - To prevent an undue increase in surface water run-off and to reduce the risk of flooding having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.
8. No construction shall commence until details of the means of ensuring the critical sewer that is laid within the site boundary is protected from damage as a result of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall outline the potential impacts from construction activities and the impacts post completion of the development on the critical sewer that crosses the site and identify mitigation measures to protect and prevent any damage to the pipeline both during construction and post completion of the development. Any mitigation measures shall be implemented in full in accordance with the approved details. REASON - In the interest of public health and safety and to ensure protection of essential services having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.
9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority. The sustainable drainage management and maintenance plan shall include as a minimum:
 - (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and,
 - (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan. REASON - To ensure that management arrangements are in place for the sustainable drainage system in order to manage

the risk of flooding and pollution during the lifetime of the development having regard to Policy JP-S4 of the Places for Everyone Joint Development Plan.

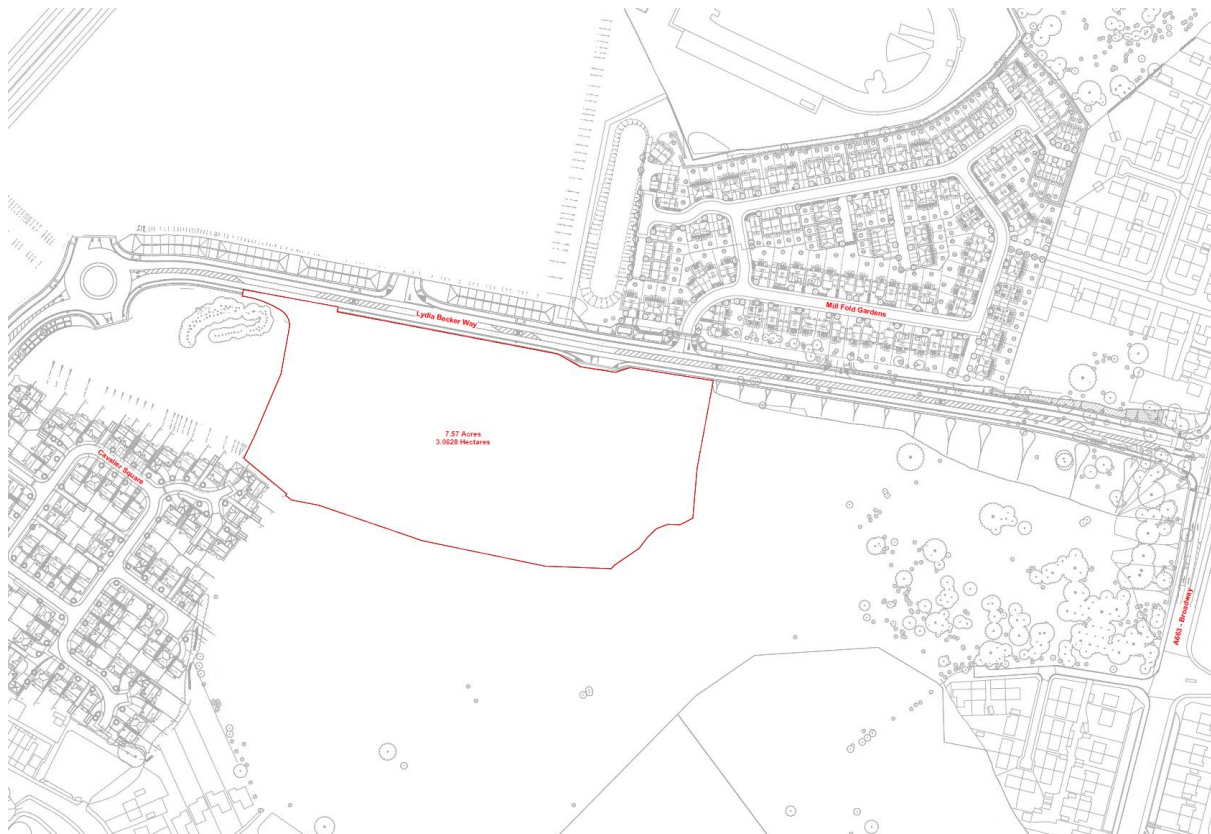
10. No works to trees or shrubs shall take place between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. REASON - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981 having regard to Policy 21 of the Oldham Local Plan.
11. Prior to any earthworks, vegetation clearance or demolition, the reasonable avoidance measures set out in the Precautionary Method of Works statement by Urban Green dated February 2025 shall be fully implemented. REASON - In order to prevent undue disturbance to wildlife having regard to Policy JP-G8 of the Places for Everyone Joint Development Plan.
12. No above ground construction of any building hereby approved shall commence until a scheme and timetable for the achievement of Biodiversity Net Gain on site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a written 30-year Habitat Management and Monitoring Plan (HMMP) for biodiversity within the site. REASON - To ensure that the proposals result in enhancement of biodiversity having regard to Policies 9 and 21 of the Oldham Local Plan, paragraph 174 of the NPPF, and Policy JP-G8 of the Places for Everyone Joint Development Plan.
13. Prior to first occupation of any part of the development hereby approved, a statement shall be submitted to and approved in writing by the Local Planning Authority to confirm that the completed building has been constructed in accordance with measures set out in the submitted Energy and Sustainability Statement. REASON - To ensure the development accords with the provisions of Policy JP-S2 of the Places for Everyone Joint Development Plan.
14. Prior to the commencement of any development (including ground works and vegetation clearance), an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control, and removal plant invasive species from the site. The measures shall be carried out strictly in accordance with the approved scheme. REASON - To prevent the spread of invasive plant species having regard to Policy 9 of the Oldham Local Plan.
15. No development shall commence, other than site set up and investigation works, unless and until a site investigation and assessment into landfill gas risk and ground contamination has been carried out and the consultant's written report and recommendation have been submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and in order to protect public safety as the site is located within 250 metres of a former landfill site having regard to Policy 9 of the Oldham Local Plan.
16. All hard and soft landscape works shall be carried out in accordance with the approved plans Ref: UG 2619 LAN GA DRW 101 P02, UG 2619 LAN HL DRW 301

P02, UG 2619 LAN SL DRW 201 P02 and UG 2619 LAN DOC LMP 701 prior to the occupation of any part of the development or in accordance with the programme previously agreed in writing with the local planning authority. Thereafter any trees or shrubs which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size, number and species to comply with the approved plan unless otherwise agreed in writing by the Local Planning Authority. REASON - To ensure that the landscaping scheme is carried out and protected in the interests of visual amenity and to safeguard the future appearance of the area having regard to Policy JP-G7 of the Places for Everyone Joint Development Plan and Policies 9 and 21 of the Oldham Local Plan.

17. Within six months of the first occupation of the site, a full travel plan shall be submitted for the written approval of the Local Planning Authority. The approved measures shall be implemented within three months of the written approval and shall be regularly reviewed thereafter in accordance with the plan. REASON - To ensure the development accords with sustainable transport policies having regard to Policy 5 of the Oldham Local Plan.

18. Prior to first occupation of any building hereby approved, a scheme for the provision of bat and bird boxes, including an implementation timetable, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. REASON - To ensure the enhancement of facilities for wildlife having regard to Policies 9 and 21 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)



PLANNING COMMITTEE – BACKGROUND PAPERS

REPORT OF THE HEAD OF PLANNING

PLANNING APPLICATIONS AND LISTED BUILDING CONSENT APPLICATIONS

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information defined by that Act.

THE BACKGROUND PAPERS

The appropriate application file: This is an electronic file containing the same reference number as that shown on the Agenda for the application. It may contain the following documents:

- The application forms;
- Certificates relating to site ownership;
- Plans and/or documents detailing the proposed development;
- Technical reports identifying potential impacts and mitigation;
- Design and Access Statements and / or Planning Statements;
- Formal responses from internal and external statutory and non-statutory consultees; and,
- Correspondence and/or documents from received from interested parties.

The application forms (redacted), ownership certificate (redacted), plans showing the proposed development, technical reports, Design and Access Statements, and Planning Statements, where provided are available to view on the Council's website using the [Public Access platform](#).

www.oldham.gov.uk

Responses from statutory and non-statutory consultees and correspondence/documents from interested parties can be requested by making contact with the Planning Service by telephone or email:

0161 770 4105 / Planning@oldham.gov.uk

ADDITIONAL BACKGROUND PAPERS

1. The adopted Local Plan (the Joint Core Strategy and Development Management Policies Development Plan Document (Core Strategy))
2. 'Saved' policies from the Unitary Development Plan
3. The National Planning Policy Framework (NPPF)
4. Minutes of the meetings of Saddleworth Parish Council Planning Committee
5. Minutes of the meetings of Shaw and Crompton Parish Council Planning Committee

Guidance on how to access these documents is available by making contact with the Planning Service by telephone or email: 0161 770 4105 / Planning@oldham.gov.uk

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Planning Appeals Update

Planning Committee

Report of Assistant Director Planning, Transportation & Housing Delivery

DATE OF COMMITTEE

23 April 2025

An update on Planning Appeals was last provided to the Planning Committee at the meeting on 26 March 2025. The table below provides a comprehensive list of appeals submitted and decisions taken on appeals between Monday 10 March 2025 and Friday 4 April 2025 which is to be noted by the Committee.

Application No.	Site Address	Appeal Decision	Appeal Lodged Date	Description
VAR/352405/24	Land Off Haven Lane Moorside	Ongoing	11/09/2024	Variation of Condition 17 of PA/338917/16 to revise the approved traffic calming scheme and for the timing of implementation to permit the occupation of no more than 15 dwellings prior to completion of the traffic calming scheme
HOU/352734/24	2 Miller Meadow Close Shaw	Ongoing	19/11/2024	Installation of a fence 2m in height to the rear and side of the property.
ADV/353175/24	Land At Huddersfield Road, Oldham	Ongoing	20/12/2024	Installation of 2 no. digital D-Poster advertising displays
HOU/353176/24	208 Oldham Road Royton	Ongoing	29/01/2025	Retention of driveway and proposed light duty vehicle crossing.
FUL/353180/24	151 Roundthorn Road Oldham	Ongoing	07/02/2025	Change of use from residential (Use class C3) to retail (Use class E).

FUL/352308/24	Land Adjacent To 4 Stockport Road Lydgate	Ongoing	03/02/2025	Erection of one detached dwelling and installation of dropped kerb.
FUL/350640/23	Land To The Southern Side Of Cragg Road, Chadderton	Ongoing	26/02/2025	Demolition of existing outbuildings and erection of 4 no. detached dwellings with associated landscaping
HOU/353146/24	181 Frederick Street Oldham OL8 4DH	Ongoing	13/02/2025	Driveway and light vehicle duty crossing.
HOU/353167/24	185 Frederick Street	NEW	17/03/2025	Driveway and light vehicle duty crossing.
HOU/353554/24	1 Marfield Avenue, Chadderton	NEW	02/04/2025	Retention of 2 no. gable roofs (to replace hipped roofs) and erection of a single storey extension and a first floor extension.
HOU/353680/24	165 Stamford Road Lees	NEW	02/04/2025	Raised patio and sidescreens and stepped access to rear garden.

RECOMMENDATION - That the report be noted.

The following is a list of background papers on which this report is based in accordance with the requirements of Section 100D (1) of the Local Government Act 1972. It does not include documents, which would disclose exempt or confidential information as defined by that Act.

If any person has any questions regarding these appeals and decisions, they can request further information from the Planning Service by contacting Martyn Leigh (Development Management Team Leader) via planning@oldham.gov.uk